

**FOLEY  
HOAG**  
ATTORNEYS AT LAW

MP\$



March 20, 2002

Jennifer A. Zarutskie, Ph.D.  
Patent Agent  
Boston Office  
617.832.1177  
jzarutski@foleyhoag.com

Box Missing Parts  
Assistant Commissioner of Patents  
Washington, DC 20231

Re: U.S. Patent Application No: 10/077,475  
Entitled: *Matrices For Drug Delivery And Methods For Making  
And Using Same*  
Filed: February 15, 2002  
By: Babich et al.  
Atty Ref: BSA-007.02 (20704/702)

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:

1. A copy of Notice to File Missing Parts of Nonprovisional Application (1 page);
2. Response to Notice to File Missing Parts (1 page);
3. Substitute Drawings in compliance with 37 CFR 1.84 (13 pages);
4. Fee Transmittal (2 pages);
5. Check in the amount of \$489.00 for filing and surcharge fees; and
6. Return receipt postcard.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

<b>Certificate of First Class Mailing (37 CFR 1.8(a))</b>	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on the date set forth below:	
<u>March 20, 2002</u> Date	 Kristen Willett
Respectfully submitted, FOLEY, HOAG & ELIOT LLP  Jennifer A. Zarutskie, Ph.D. Reg. No. 50,558 Agent for Applicants Customer ID No. 25181	

20/496629.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Babich et al.	Examiner: To be assigned
Serial No: 10/077,475	Art Unit: 1652
Filed: February 15, 2002	Attorney Docket No. BSA-007.02
For: <i>Matrices For Drug Delivery And Methods For Making And Using The Same</i>	

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

<b>Certificate of First Class Mailing (37 CFR 1.8(a))</b>	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.	
March 20, 2002	By: <i>Kristen Willett</i>
Date of Signature and Mail Deposit	Kristen Willett

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Dear Sir:

Enclosed herewith is a response to the Notice to File Missing Parts dated March 5, 2002. In response to the Notice, enclosed is a check in the amount of \$489.00, which includes a small entity filing fee of \$370.00, total additional claim fees of \$54.00 and a surcharge fee of \$65.00. This response also includes the requested Substitute drawings in compliance with 37 CFR 1.84.

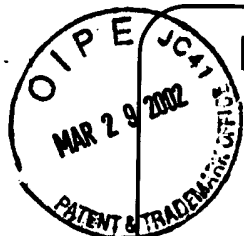
No additional fee is believed to be due. If there is any further fee due, or if any refund is owed, please charge/credit our Deposit Account No. 06-1448.

Respectfully submitted,

By: *[Signature]*  
Jennifer A. Zarutskie, Ph.D.  
Reg. No. 50,558  
Agent for Applicants

Patent Group  
FOLEY, HOAG & ELIOT, LLP  
One Post Office Square  
Boston, MA 02109-2170  
Telephone: (617) 832-1000  
Facsimile: (617) 832-7000  
Customer ID No. 25181  
Dated: March 20, 2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 489.00

## Complete if Known

Application Number	10/077,475
Filing Date	February 15, 2002
First Named Inventor	John W. Babich
Examiner Name	Not Yet Assigned
Group / Art Unit	1652
Attorney Docket No.	BSA-007.02

## METHOD OF PAYMENT (check one)

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

06-1448

Deposit  
Account  
Name

Foley, Hoag &amp; Eliot

☐ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status.  
See 37 CFR 1.272. ☒ Payment Enclosed:☒ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 370)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
26	-20 ** = 6	18	54
Independent Claims	2	-3 ** = 0	
Multiple Dependent			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 54.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 65.00)

## SUBMITTED BY

Complete (if applicable)

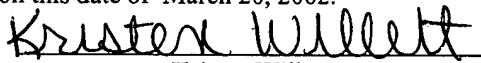
Name (Print/Type)	Jennifer A. Zarutskie, Ph.D.	Registration No. Attorney/Agent)	50,558	Telephone	617-832-1000
Signature				Date	March 20, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

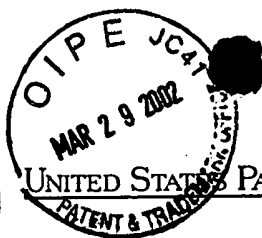
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the foregoing document is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on this date of March 20, 2002.

  
Kristen Willett

#3



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/077,475	02/15/2002	John W. Babich	BSA-007.02

25181  
FOLEY, HOAG & ELIOT, LLP  
PATENT GROUP  
ONE POST OFFICE SQUARE  
BOSTON, MA 02109

*Missing Parts / Drawings*  
**DUE:** 5.5.02  
**FINAL:** 10.5.02

CONFIRMATION NO. 2754  
FORMALITIES LETTER  
  
\*OC00000007582177\*

Date Mailed: 03/05/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$54.
  - \$54 for 6 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 489.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible ( see 37 CFR 1.84(o));

04/01/2002 CCHAU1 00000032 10077475

01 FC:201	370.00 OP
02 FC:203	54.00 OP
03 FC:205	65.00 OP

A copy of this notice **MUST** be returned with the reply.

**RECEIVED**

3/13/02 B/H  
MAR 11 2002

PATENT DEPT.  
DOCKETING

Gene Br

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	